

**DELEGATION OF AUTHORITY  
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY ACT (CERCLA)**

Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, including Section 106, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, through the Branch Chief, Emergency Management Branch, or equivalent, and through the Section Chiefs, Emergency Response Section and Spill Prevention and Removal Section, or equivalents, to the On-Scene Coordinators.
3. **LIMITATIONS.**
  - a. The regional administrator, division director, branch chief, section chief, or on-scene coordinator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the referral before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
  - b. The regional administrator, division director, branch chief, section chief, or on-scene coordinator must notify the AA for OECA and the AA for OLEM before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
  - c. The AA for OECA must notify the appropriate regional administrator, division director, branch chief, section chief, or on-scene coordinator and the AA for OLEM before exercising this authority.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to on-scene coordinators, or equivalent.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSSION.** This delegation supersedes R10 14-13-C (06/26/2017) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
  - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Fed. Reg. 48,942 (1977).
  - b. Section 107 of CERCLA.
  - c. For referral of other civil actions under CERCLA, see EPA Delegation 14-12.
  - d. EPA Delegation 14-13-B.

June 27, 2019  
Date

  
Chris Hladick  
Regional Administrator